

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2767 of 2018

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioners/accused Nos.1 to 3, seeking to quash the proceedings against them in F.I.R.No.66 of 2018 on the file of the Kushaiguda Police Station, Rachakonda Commissionerate, registered for the offences under Sections 420 and 406 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 to A.3, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that after four years of alleged marriage, the respondent/*de facto* complainant filed a petition to declare the marriage as nullity and further when the petitioner-A.1 filed an O.P. for restitution of conjugal rights, with false averments, this false case is filed by the respondent-*de facto* complainant in order to harass the petitioners/A.1 to A.3 and ultimately, prayed to quash the proceedings.

4. Learned Assistant Public Prosecutor opposed the same stating that suppressing the earlier marriage, the petitioner-A.1 married respondent/*de facto* complainant. There are allegations against the petitioners to constitute the offences under Sections 420 and 406 read with 34 I.P.C. and ultimately, prayed to dismiss the petition.

5. When a complaint is filed before the learned XX Metropolitan Magistrate, Cyberabad at Malkajgiri, the same was referred by the learned Magistrate under Section 156(3) Cr.P.C. to the police concerned and thereupon this crime is registered and under investigation. As per the averments of the complaint, there are allegations suppressing the earlier marriage, cheating and performance of second marriage of petitioner-A.1, by the petitioners-A.2 and A.3 with the respondent-*de facto* complainant. When there are also other allegations constituting cognizable offences, the issue of FIR cannot be faulted. The truth or otherwise of the allegations do require investigation. Continuation of investigation is not abuse of process of law. The petition is devoid of merits and it is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 07.03.2018
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Dr. SHAMEEM AKTHER, J